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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 000305

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SUBJECT: ARTICLE 23 COMMITTEE FINALLY VISITS KIRKUK, BUT SLOW PROGRESS MAY NOT ALLOW PROVINCIAL ELECTIONS THERE IN 2009

Classified By: Classified By: Senior Advisor Thomas Krajeski; Reasons 1 .4 (b and d).

¶1. (C) SUMMARY: The seven members of Parliament's Article 23 Committee traveled to Kirkuk February 2 and had a mostly positive, and somewhat productive, series of meetings with local officials. The Committee was facing a March 31 deadline, and had done little since the establishment of the committee in November to negotiate a power-sharing plan in Kirkuk, resolve demographic issues, and settle property disputes prior to conducting the postponed provincial poll (as mandated by the Provincial Election Law passed in September). In meetings with frustrated Kirkuki leaders, committee members admitted they have been slow to produce results but pledged to listen to all voices, to meet with all ethnic communities, and to include local opinions in their final report to the Council of Representatives (COR). Having wasted four months of their mandated study period already, it is highly unlikely that the Committee will issue its report by the March 31 deadline, and most observers in Kirkuk do not think that provincial elections can be held there before the end of 2009. The Committee did pledge to meet again in Baghdad February 5, however, and agreed on an agenda that includes discussion of some important committee modalities.
End Summary

¶2. (SBU) At UNAMI's invitation, Senior Advisor Krajeski accompanied members of the parliamentary "Article 23" committee, established by the Provincial Elections Law, on their initial trip to Kirkuk on February 2. The Article 23 committee includes: Mohamed Tamim (Arab, National Dialogue Front); Omar Jabouri (Arab, Independent); Sadaddin Ergec (Turcoman, Iraqi Turcoman Front); Mohamed al-Bayati (Turcoman, United Iraqi Alliance); Khalid Shwani (Kurd, Patriotic Union of Kurdistan); Sardep Kekaie (Kurd, KJA); Yonadam Kanna (Christian, Assyrian Democratic Movement). The trip was organized by UNAMI's Political Deputy Andrew Gilmour, who accompanied, as did UNAMI's representative in Kirkuk Stephanie Koury.

¶3. (C) Committee members paid a courtesy call on the governor and the deputy governor at the beginning of the day and again at the end. The Governor, Abdurrahman Mustafa (Kurdish, independent), commented that the group was late in coming to town, but said he would do everything possible to help them succeed. The Deputy Governor, Rakan Saeed al-Jiboury (Arab), complained that the committee had wasted valuable time, but said that he too was glad to see them and wished them success. The Committee met with the Directors General of seven federal government offices in Kirkuk -- including the DG's for residency registration, food distribution, identity documentation, and planning -- who pledged complete support for the Committee's tasks and agreed to instruct their staffs to cooperate fully. They also met with representatives from IHEC (the Iraq High Electoral Commission) and CRRPD (the Commission for the Resolution of

Real Property Disputes). The Committee also met with a phalanx of senior police and security officers who agreed to provide security to Committee members when they visit areas in the province during their research phase.

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Discussing Committee Modalities
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¶3. (C) To begin the day, the committee's two Turcomans, two Kurds, two Arabs and one Christian met privately -- for only the second time since November -- to hash out administrative issues and adopt a plan of action. Gilmour, who had arranged for the group to fly to Kirkuk in UN aircraft, began the session by declaring UNAMI's willingness to provide administrative, expert, and secretariat support. He advised the members to be flexible and to listen to everyone, especially local voices, and he reminded them of the nearness of their deadline. (Note: The committee had already considered requesting a postponement of the deadline beyond March 31. Gilmour and S/A Krajeski, asked to accompany the group to demonstrate USG support, both told members it was premature to ask for an extension and that committee members need to show a good faith effort to fulfill their mission before we would support such a request. End note.)

¶4. (C) The committee agreed to establish an office in Kirkuk, a proposal endorsed by the Governor and supported by UNAMI (which has a suite available in the Kirkuk Government Building). The committee decided that MP Yonadam Kanna (the one Christian member) would be their first chairman with a plan to rotate the chair among other members. They agreed to

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meet in Baghdad next on Feb 5. The only point of contention at this organizational meeting was an attempt by an Arab member, Omar al Jaboury, to force the Committee to adopt a power sharing formula in the province immediately, before they issue a final report. Other members, including Khalid Shwani (Kurd) and Mohamed Tamim (Arab), fended off Jaboury, declaring that the committee's mandate requires a comprehensive and not a piecemeal approach.

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Spirited Discussion with PC, Local Article 23 Committee
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¶5. (C) The committee's most productive session was organized by Rizgar Ali (Kurd, PUK), the Provincial Council (PC) Chairman. The first meeting was a large informal discussion between Committee members and the entire PC over two tables laden with Kurdish and Arabic dishes. After that, Rizgar invited the local Kirkuk &Article 23 Committee8 (that he had formed after weeks of waiting for the national committee to begin its work), to the table with the Baghdad MPs. (Note: Earlier in the day, the Baghdad-based committee members had complained to Gilmour and S/A Krajeski that Rizgar's committee was illegal and had no authority. They refused to meet with them until Gilmour threatened them with withdrawal of UNAMI support. Both Gilmour and Krajeski strongly advised them to meet with Rizgar and the local delegation and hear their views. End note.)

¶6. (C) Yonadam Kanna, the one Christian on the Committee, chaired sessions with a professional and firm hand, rapping his large ring on the table to restore order whenever the discussion wandered. He began by apologizing to Rizgar and PC members for the delay in their visit to Kirkuk and acknowledged Kirkuki frustration over central government dawdling. &The Committee is here today,⁸ he said, &and we promise to work hard in cooperation with all Kirkukis, including those at this table, to come up with a plan for Kirkuk.⁸ Rizgar responded)- at considerable length *-noting that Kirkukis are very frustrated, felt left out of provincial elections unjustly, and refuse to let Baghdad or

anyone else, (&including New York and Washington,⁸ he said, glancing at the UNAMI and U.S. Embassy representatives seated on a back bench) impose a solution on them. The Committee members are all Kirkukis too, said Rizgar, so &we need to work together.⁸

¶17. (C) Omar al-Jaboury couldn't refrain from offering again a proposal to establish a power sharing formula immediately, and referred to the December agreement brokered by Iraqi President Talebani, but once again he was fended off by the Kurds. Mohamed Tamim stipulated that the national Article 23 committee is the only legally mandated committee, but said committee members will listen to everyone before filing their report. All participants agreed that any solution needs the support of each of Kirkuk's communities if it is to have any chance of success. Rizgar repeated, on behalf of the Kurds, that they would not permit a Baghdad-imposed solution.

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All's Well That Ends Well (With an Agenda for the Next Meeting)

¶18. (C) In a wrap-up session at the end of the day, the Committee agreed on an agenda for their next meeting (February 5 in Baghdad), to include: 1) establishment of an office in Kirkuk (UNAMI showed them an available suite in the Kirkuk Government Building); 2) discussion of possible selection scenarios in Kirkuk; 3) establishment of working principles including a method of consultation; 4) agreement that four members (one from each group, with special dispensation allowing the single Christian member to nominate a stand-in, if necessary) are needed for a quorum; 5) pledge to study Rizgar Ali's documents on power-sharing; 6) a commitment to request experts needed from UNAMI; and 7) exploring a committee visit to a European city with analogous ethnic issues.

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Exceeding Low Expectations

¶19. (C) Comment: We set the bar low for this Committee field trip. After nearly four months of torpor, the committee's only decision to date had been to request an extension of the March 31 deadline, a request refused by UNAMI. So the February 2 meetings in Kirkuk were somewhat of a pleasant surprise, as all parties at least demonstrated a willingness

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to pursue the Article 23 process. UNAMI is committed to supporting the group logistically and substantively by providing offices, note-takers, transportation, and expert advisers. While it is very unlikely the committee will complete their work by March 31 (in fact, most Kirkukis we spoke with do not think that elections in Kirkuk can be held before the end of the year, partly because national parliamentary elections will take political precedence), there were no walk-outs or fists thrown, and the Committee has produced an agenda for its next meeting. End comment.

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